

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

Jacob Levy,

Plaintiff,

vs.

JP Morgan Chase,

Defendant.

CASE NO. 10-CV-1615 MMA (WMc)

**ORDER:**

**(1) GRANTING PLAINTIFF'S  
MOTION FOR LEAVE TO FILE  
AMENDED COMPLAINT;**

[Doc. No. 12]

**(2) DENYING DEFENDANT'S  
MOTION TO DISMISS AS MOOT**

[Doc. No. 8]

On August 3, 2010, Plaintiff Jacob Levy, proceeding pro se, filed a Complaint against Defendant JP Morgan Chase.<sup>1</sup> [Doc. No. 1.] Plaintiff alleges, inter alia, that Defendant engaged in illegal acts regarding the origination of the subject loan. The loan was secured by a deed of trust encumbering real property located at 2840-2842 Washington Street, Lemon Grove, CA 91945. On October 5, 2010, Defendant filed a Motion to Dismiss the Complaint. [Doc. No.8.] On October 15, 2010, Plaintiff filed a "Motion for Leave to Amend Complaint." [Doc. No. 12.]

Federal Rules of Civil Procedure, Rule 15(a) provides that a party's right to amend as a matter of course terminates "21 days after service of a responsive pleading or 21 days after service of a

---

<sup>1</sup>Plaintiff's document is entitled "Original Petition," which the Court construes as a complaint due to the substantive allegations and legal claims asserted therein.

1 motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed.R.Civ.P. 15(a)(1)(B). As Plaintiff has  
2 a right to amend its pleading once as a matter of course and did not need the Court’s approval to file  
3 an amended complaint, Plaintiff’s motion is hereby **GRANTED**. Plaintiff shall file an amended  
4 complaint on or before October 26, 2010.

5 As such, Defendant’s Motion to Dismiss is **DENIED** as moot and the December 6, 2010  
6 motion hearing is hereby **VACATED**.

7 **IT IS SO ORDERED.**

8  
9 DATED: October 19, 2010



10 Hon. Michael M. Anello  
11 United States District Judge  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28